

Docket FAA-1998-4521
Docket Management System
US Department of Transportation
Plaza 401
400 Seventh St, SW.
Washington, DC 20590-0001

For the record, as the FAA left it out of most of the individual accident synopses: In cases 1,2,3,4,6,7,9,10,11 of the NPRM; according the the NTSB, the accident aircraft were operated and maintained under part 135.

It would seem to me that the FAA would want to focus on part 91 accidents, in order to justify its proposal to limit part 91 ops.

It would seem to me, since the FAA's objective is to further regulate air tour flights currently conducted under part 91, there would be some comparison to the 'per flight hour accident/fatality rate' of 135 operations.

80%+ of the 'justifying' NPRM accidents presented are 135.
According to the NPRM, more total fatalities occurred in 135 ops than 91 ops.
The cost/benefit, from the perspective of the NPRM data is poor.

The major air tour safety 'achievement' this NPRM would accomplish is through putting operators out of the "air tour" business and discouraging people from giving kids their first airplane ride.

There is some safety in the 25 mile limit for pt 91 ops.
The terrain and emergency airfields are well known.
Fast changing weather close to the base airport is less of a 'surprise'.
"Get-home-itis" is minimized.

Please be realistic:

Of the 3 outcomes presented, option 1 [“*exiting*” the "air tour" business], is the only real choice for a small operator. Of the air tour businesses that I have seen in the years I've been involved with aviation, maybe 1% would put up with the hassle of 135 certification. Let's multiply that by 5 and say 5% of operators to get a 135 certificate. The rest of those "exiting" the "air tour" business would offer "introductory instructional flights" for which there is no limit on distance.

Assuming the 135 certificate does anything for safety; How much additional safety would we have??

Judging from the 135 accidents listed in this very NPRM, not much; maybe even negative progress.

Having been a banner tow pilot for some years, among traffic going to and from airports near the beach, I felt much safer at 500ft AGL than I did at 1500 AGL.

Forcing air tour traffic up to 1000 or 1500 AGL is not a good idea, especially in places where jet traffic is occasionally vectored quite low outside the airport environment.

The altitude restrictions will put air tour traffic in a position where they may be required to contact a controlling facility, and the controller will have to divert his attention in the difficult task of issuing traffic advisories for an aircraft with a non standard path. (One of the FAA safety people in Atlanta Center just wrote an article on this subject for AVweb concerning handling "leaf peepers").

I believe the FAA HQ is missing the most important point of the NTSB recommendations.

Oversight. How many man hours does it take the average POI to do the paper chase on one 135 operation to make sure they are in continuous "paper compliance" with the 135 certificate?? The FAA can do oversight on any operator it chooses to, regardless whether they have a 135 certificate or not. They can see the aircraft, pilots, pilot records, aircraft logs, etc, etc.

We are not talking about high performance airplanes here, for the most part they are single engine with slow landing speeds and few seats. I never thought I'd see the day when some poor sap has to get ops specs for his Champ or J-3.

Every hour that a POI wastes on paper is another oversight-hour wasted.

Which is more effective from a safety perspective, the oversight hour, or the paper hour? The answer is obvious to those in the field.

Whether it's letting rotor rpm decline excessively or flying uphill in a canyon, bad judgment isn't effectively legislated away. I'm sure companies went out of business in Hawaii, just like they will everywhere else if this goes through. In the small air tour business community of Hawaii, I'm sure people learned from their own and others mistakes. That alone probably accounts for the accident decline there. Having a 135 certificate certainly didn't help many of those listed in the NPRM's accidents

Is legislating small entities, with insufficient lobbying clout, out of business is the FAA's new protocol. Achieve maximum reduction in accidents with minimum political fallout. Many of these "small entities" actually offer more than one service to the public.

Maybe in the eyes of the FAA one service is insignificant, and is adequately addressed by the required statement of a single regulations effect on small entities. However when you look at the scope of operations that these small entities perform, and the extent of the FAA's restrictions covered in multiple NPRM's, the affect is very significant.

Last but certainly not least:

Lets be honest. Informed people know the enviro's used the "safety issue" in Hawaii to get their *real issue* enforced.

Allowing National Park officials, who are infested with environmentalist-religion types obsessed with 'natural quiet', any more authority is RIPE for abuse.

William Kline